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THE FEDERAL PENAL CODE. Annotated by George F. Tucker and Charles W. Blood. Boston: Little, Brown and Company. 1910. 8vo. pp. lvii, 507.

The first fruit of the general revision of the federal statutes which has been in progress by Congressional committees during the last few years was the Criminal Code which was passed on March 4th, 1909, and went into effect on January 1st, 1910. By this code Congress attempted to embody in one act all federal penal provisions except such as are not properly separable from the general body of the law to which they are merely ancillary, *e. g.* the penal provisions of the National Banking Act, Customs Laws, etc.

The new Criminal Code is built very largely on the pre-existing Revised Statutes, making only such changes and additions as experience in the administration of the criminal law called for. A retrogressive step was taken by incorporating into the federal law the embarrassing classification of crimes into misdemeanors and felonies (§ 335). The construction of the different sections of the Criminal Code can intelligently be made, therefore, only in the light of the interpretations worked out under the parent provisions.

The present volume is another attempted convenience for the practitioner in its effort to give the predecessor provisions of the respective sections and to bring together the various cases which have passed on those provisions. In addition the authors, in an appendix, set forth other statutes having penal provisions which were brought together by the Congressional revisers, so that practically the whole body of the criminal statute law is contained in this volume.

Three requirements are essential to the widest usefulness of a work of this character: (*a*) facility of reference, (*b*) accuracy, (*c*) thoroughness in the citation of cases. The book falls short in at least two of these requirements. The weight of decisions under the prior form of the law is entirely dependent upon changes made in such law by the revision. Easy comparison between the old and the amended law should therefore be available. This consideration seems to have been quite overlooked by the annotators. Throughout the book sections of the new Criminal Code are stated to have been the same as some prior section of the Revised Statute, except "with slight changes" or "with considerable changes," or a section is said to be founded on some prior law but "greatly enlarged," without indicating the changes or additions. We hope that in a second edition of their work the authors will graphically indicate in the body of the statute itself the amendments which the new code makes, by the customary method of italicizing new matter and bracketing omitted portions of the old law.

We also regret to have noted a lack of complete citation of authorities in many instances. A number of cases pertinent under the different sections are not referred to at all, and as to others the subsequent appellate history of the case is omitted. We particularly call attention to the fact that the authors, in common with most text-writers, fail to indicate the denials of application for *certiorari* by the Supreme Court. Such denials have considerable weight as indicating that the Supreme Court has left the construction of the Circuit Courts of Appeal undisturbed. (See, for instance, *Wechsler v. United States*, 158 Fed. 579, 580, and *United States v. Morse*, 161 Fed. 429, 436.)

On the other hand it is a pleasure to find that cases are accurately cited and the rulings adequately indicated. In spite of the limitations pointed out the book is extremely useful to the increasing number of criminal practitioners in the federal courts.

The book is exceedingly well gotten up. The publishers deserve especial thanks for the clearness and size of the type.

F. F.